

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2006-2-E

IN RE: South Carolina Electric & Gas Company -)	MOTION FOR
Annual Review of Base Rates for)	CONFIDENTIAL
Fuel Costs)	TREATMENT
)	

1. The Office of Regulatory Staff (“ORS”) hereby files with the Public Service Commission of South Carolina ("Commission"), pursuant to S.C. Code Ann. Reg. 103-804(Y)(2) (Supp. 2004), S.C. Code Ann. § 30-4-40(a) (Supp. 2005) and Commission Order No. 2005-226, this motion seeking an order *nunc pro tunc* (i) declaring A. Randy Watts’s surrebuttal testimony and its attached exhibit (Surrebuttal Exhibit ARW-1 consisting of pages 1 through 3) accompanying this motion as confidential, (ii) affording Mr. Watts’s surrebuttal testimony and attached exhibit confidential treatment, and (iii) protecting Mr. Watt’s surrebuttal testimony and exhibit from public disclosure. This motion is made on the following grounds:

2. Mr. Watt’s surrebuttal testimony and attached exhibit is filed pursuant to Docket No. 2006-2-E. Mr. Watt’s surrebuttal testimony and exhibit reference and set forth SCE&G’s fuel delivered costs for coal. Specifically, the exhibit consists of three tables setting forth the total delivered cost for coal by supplier with adjustments for sulfur content. The end result is that the total delivered costs are comparable among both domestic and off-shore coal. The source for extrapolating a majority of the data for compiling the exhibit is the Federal Energy Regulatory Commission (“FERC”) Form 423 Monthly Report of Cost and Quality of Fuels for Electric Plants filed by SCE&G; however, the information is not readily set forth on Form 423

and must be extrapolated by someone with considerable expertise in the industry. The formula for calculating the sulfur adjustment is not available via the FERC Form 423 and is not readily configured by someone without considerable industry expertise as well. Because the information is not otherwise readily available and derived only with considerable expertise to arrive at the exhibit attached with Mr. Watts's surrebuttal testimony, ORS believes it is not appropriate to make detailed information regarding SCE&G's coal contracts publicly available. Accordingly, and in an abundance of caution, ORS requests that such information remain confidential unless it is asserted by SCE&G that such information is not confidential and is not proprietary business information which constitutes a trade secret under the South Carolina Freedom of Information Act. *See* S.C. Code Ann. § 30-4-40(a)(1) (Supp. 2005).

3. In accordance with Commission Order No. 2005-226,¹ the accompanying surrebuttal testimony and exhibit is presented for filing in a separate, sealed envelope with the words "confidential" marked clearly on the envelope. Moreover, each page of the testimony and exhibit has been marked "Confidential." Further, a redacted version of the surrebuttal testimony is being filed contemporaneously herewith.

WHEREFORE, having fully complied with the requirements set forth in Commission Order No. 2005-226, the South Carolina Office of Regulatory Staff respectfully requests that the Commission issue an order *nunc pro tunc* (i) declaring Mr. Watts's surrebuttal testimony and attached surrebuttal exhibit as confidential; (ii) affording the aforementioned surrebuttal testimony and attached exhibit confidential treatment; (iii) protecting the surrebuttal testimony and attached exhibit from public disclosure; and (iv) for such other relief as the Commission may find to be just and proper.

¹Commission Order No. 2005-226 sets forth the requirements for filing confidential information with the Commission.

SOUTH CAROLINA OFFICE OF REGULATORY STAFF

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